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SPECIAL SENATE INVESTIGATION ON CHARGES
AND COUNTERCHARGES INVOLVING: SECRETARY OF THE ARMY ROBERT T. STEVENS, JOHN G. ADAMS, H. STRUVE HENSEL AND SENATOR JOE McCARTHY, ROY M. COHN, AND FRANCIS P. CARR

HEARING
BEFORE THE
SPECIAL SUBCOMMITTEE ON
INVESTIGATIONS OF THE COMMITTEE ON
GOVERNMENT OPERATIONS
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ARMY ROBERT T. STEVENS, JOHN G. ADAMS, H. STRUVE
HENSEL AND SENATOR JOE McCARTHY, ROY M. COHN,
AND FRANCIS P. CARR

TUESDAY, MAY 11, 1954

UNITED STATES SENATE,
SPECIAL SUBCOMMITTEE ON INVESTIGATIONS OF THE
COMMITTEE ON GOVERNMENT OPERATIONS,
Washington, D. C.

The subcommittee met at 11:37 a. m., pursuant to recess, in the caucus room of the Senate Office Building, Senator Karl E. Mundt, chairman, presiding.

Present: Senator Karl E. Mundt, Republican, South Dakota; Senator Everett McKinley Dirksen, Republican, Illinois; Senator Charles E. Potter, Republican, Michigan; Senator Henry C. Dworshak, Republican, Idaho; Senator John L. McClellan, Democrat, Arkansas; Senator Henry M. Jackson, Democrat, Washington; and Senator Stuart Symington, Democrat, Missouri.

Also present: Ray H. Jenkins, chief counsel to the subcommittee; Thomas R. Prewitt, assistant counsel; and Ruth Y. Watt, chief clerk.

Principal participants: Senator Joseph R. McCarthy, a United States Senator from the State of Wisconsin; Roy M. Cohn, chief counsel to the subcommittee; Francis P. Carr, executive director of the subcommittee; Hon. Robert T. Stevens, Secretary of the Army; John G. Adams, counselor to the Army; Joseph N. Welch, special counsel for the Army; James D. St. Clair, special counsel for the Army; and Frederick P. Bryan, counsel to H. Struve Hensel, Assistant Secretary of Defense.

(At 10:40 a. m. the following colloquy occurred:)

Senator MUNDT. The Chair wishes to make an announcement: He has just had a telephone call from Senator Dirksen, who advises him that—the first order of business being the resolution that he was going to submit and that he has drawn up—advises me that he is changing it and that he is in the process of having it typed and consequently has requested that we defer the opening until 11:30. So we will continue to stand in recess until 11:30, and the witness will be dismissed.

Senator McCLELLAN. Mr. Chairman, let us proceed with the testimony.

(There was further discussion out of hearing of the reporter.)

Senator SYMINGTON. Mr. Chairman, I move that witnesses be heard until Senator Dirksen is ready to come in with his revised resolution.

Senator MUNDT. The Chair is in no position to consider motions

until he calls the meeting to order. I simply made an announcement that Senator Dirksen had requested that in line with the understanding that he was to make his motion the first order of business. He called me and asked me to state that he was getting the thing typed up and mimeographed and it was announced as a courtesy to him that we would defer the opening of the hearings until 11:30, which the Chair has said he would do. The witnesses will be dismissed until 11:30. We will reconvene promptly at 11:30.

Senator MUNDT. The committee will come to order.

The Chair would like to welcome our guests to the committee room and advise them, if they have not been here before, that we have a committee rule requiring that there be no audible manifestations of approval or disapproval of any kind at any time. You are welcome to be here so long as you comply with that rule. The officers in the audience have a standing instruction from the committee to politely escort from the room immediately any of our guests who violate the terms under which they came into the committee room.

I want to say again that the audience has been perfectly magnificent through these long hearings and that the officers have done a splendid job. We hope that those conditions will continue.

The Chair had agreed at the conclusion of the meeting yesterday, the business meeting which preceded the hearing, to recognize Senator Dirksen for the purpose of making a motion. He has it now typed out. Copies are available for the members of the committee and the press, and I will distribute them and then recognize Senator Dirksen.

Senator DIRKSEN. Mr. Chairman, first of all let me apologize to the committee for discommoding its session this morning. The answer is very simple. The days are extremely long. There is so much work to be accomplished that I just find it almost impossible in the space of an 18-hour day to get around to everything. Then sometimes my feeble talents are not too facile in seeking to interpret viewpoints and human reactions when it comes to language.

There are, as a matter of fact, only two modifications in this motion, apart from the motion that I made yesterday.

Mr. Chairman, I shall submit it formally now and I will read it for the benefit of the committee.

Senator MUNDT. I wished to inquire whether Mr. Welch and Mr. Stevens has a copy.

Mr. St. Clair, here is an extra copy.

Mr. St. CLAIR. Thank you, Mr. Chairman.

Mr. BRYAN. Do you have a copy for me, Mr. Chairman?

Senator MUNDT. Yes, sir.

Senator DIRKSEN. Mr. Chairman, as I go along I shall note the two modifications.

I move that the testimony of Secretary Stevens be concluded on the adoption of this motion; that Senator McCarthy be then called for testimony and for direct and cross-examination; that on the conclusion of Senator McCarthy's testimony the public hearings be recessed

and this next proviso, Mr. Chairman, is new—

Provided, That other witnesses requested by any principal for rebuttal may be called into executive session forthwith and such testimony be made public immediately.

That is the new matter.

That committee counsel be instructed to survey the charges and testimony, and interview all witnesses suggested by any party concerned as well as any other witness whom the chairman or counsel deem necessary and then report his résumé of the statements of all witnesses and any other facts brought to the attention of counsel, to the subcommittee which subcommittee shall then determine whether further public hearings are necessary; that at the conclusion of the testimony by Senator McCarthy the regular subcommittee shall resume its normal functions under the rules of the Senate with respect to any matters not related to the pending controversy.

and this next phrase, Mr. Chairman, is new:

With the understanding that no investigation of military installations or personnel shall be undertaken until the subcommittee has concluded the pending investigation; and that subcommittee counsel conclude his survey and make his report to the subcommittee not later than June 10, 1954.

I think the new language, Mr. Chairman, speaks for itself pretty well, and I have nothing else by way of explanation to make, except that in my judgment in the public interest in a time of tension, I trust, that we can get the hearings recessed. I think first of all that this resolution is within the rule, that it is within the jurisdiction of the subcommittee as I interpret the rules that were adopted for the conduct of this hearing.

I sincerely hope, Mr. Chairman, that the principals can agree, because we have gone far afield and we have departed somewhat already from the essential and the simple issues that were involved, namely, the charge of improper conduct made by the Army and the answers and the countercharges made by Senator McCarthy and the staff to the effect that these were inspired by certain motives that have already in part been ventilated before this hearing.

That is the whole story in a nutshell.

Senator DWORSHAK. I will second the motion.

Senator MUNDT. Senator Dworshak seconds the motion. It calls for discussion. The Chair will be happy to recognize first any members of the committee who might want to speak on the motion.

Senator McCLELLAN. Mr. Chairman, I suggest you again inquire of the principals whether they have agreed to this motion.

Senator MUNDT. The Chair expects to inquire of the principals concerning their reaction, Senator McClellan. I want to offer first of all to the members of the committee the opportunity to say what they might want to say, as a courtesy to my colleagues on the committee.

Senator DIRKSEN. Mr. Chairman, perhaps one explanatory word might be necessary with respect to the first item of new matter included in the present motion. It came about as a result of a question that was raised by Mr. Welch at one of the hearings in room 357, where he raised the question of possible rebuttal. This language is the result of my rather modest speculations on that point, and I read the language again: Provided that other witnesses requested by any principal for rebuttal may be called in executive session forthwith, and such testimony be made public immediately. That does make the testimony available. It does not intrude upon the continuity of the proceedings. But if some point of major moment should arise that was bitterly contested, there would then be a chance to bring a witness into executive session for the purpose of offering rebuttal on that point.

Senator POTTER. Will the Senator yield at that point?

Senator MUNDT. The Chair recognizes Senator Potter.

Senator POTTER. Would that include a witness being called to submit new evidence, new testimony?

Senator DIRKSEN. Well, I thought perhaps it ought to go only to rebuttal, and so I have used the word rebuttal.

Senator JACKSON. Would the Senator yield at that point?

Senator MUNDT. Senator Jackson.

Senator JACKSON. Well, it seems to me that misses the whole point, if I understand the pleadings in this controversy. There is yet to be heard initial charges by some of the principals that are in the form of charges and countercharges. The Senator's motion limits the testimony after Senator McCarthy's appearance only to rebuttal testimony. In other words, you can only rebut testimony offered in this public hearing. But if I read the documents that have been presented to this committee as the foundation of the charges on which the committee started the investigation, it includes from each of the principals denials of charges and also charges of an affirmative nature by each of the principals. By the very nature of this motion, it will mean that any witnesses after two of the principals have been heard can only testify in rebutting testimony given in this open hearing.

Senator DIRKSEN. That matter, Mr. Chairman, I thought was considered by the other language in the resolution, with reference to the responsibilities of counsel to take statements of witnesses and to make further examination, to report a résumé, and then for the committee to determine whether further public hearings should be reinstated at a later date.

Senator MCCARTHY. May I ask a question, Senator Dirksen?

Senator JACKSON. May I finish the question I was asking? It will only take a moment.

With reference to the directive in the motion for the counsel to interview witnesses, I would like to inquire of counsel if it is not true that he has already interviewed the witnesses in accordance with the directives from the committee at the outset of the hearing.

Senator DIRKSEN. That was done in accordance before 2,400 pages of testimony were taken.

Senator JACKSON. I think counsel can answer that question.

Senator MUNDT. Mr. Jenkins?

Mr. JENKINS. Mr. Chairman, as far as we now know, we know that we have interviewed all of the principals to this controversy. As far as we now know we have interviewed all corroborative witnesses. I might say, however, that from time to time all of the parties to this controversy are presenting to us additional witnesses whom we are interviewing in executive session. We never know, Senator Jackson, when we have finished, but we have done just precisely what I have now stated.

Senator JACKSON. Yes. Well, it is natural that there would be new witnesses from time to time that would have to be interviewed because of testimony developed in the hearing. But it is my understanding, then, that all of the principals have been interviewed and a lot of collateral witnesses previously.

Mr. JENKINS. You are entirely correct.

Senator JACKSON. So this motion, instead of asking to interview witnesses for the most part, should be worded to reinterview witnesses.

Senator MUNDT. If the Chair interprets the motion correctly, it seems to me that it provides both for reinterview, if there be such, and interviewing any other witness that the chairman or the counsel and the Chair—the Chair would interpret “chairman” there to mean committee—deems necessary and report his résumé of the statements. The element that is new to the committee, of course, at least as far as the Chair is concerned and I am sure it is true of other committee members, the counsel has interviewed the witnesses but we have not been given a summary or résumé of what they have said.

Senator JACKSON. That is correct. But it wouldn't be necessary to recess the hearings and have counsel reinterview the witnesses. All we need to get from counsel is a summary of the information that counsel has received in connection with the interview of those witnesses. I think it is just duplication.

Senator MUNDT. Is the chair correct in his interpretation of the motion that that provides for interviews or reinterviews and a summary of information so that the committee may know what counsel has determined in the course of his interview?

Senator DIRKSEN. Very definitely.

Senator McCARTHY. May I ask a question of counsel?

Senator MUNDT. Yes, anyone who is involved here, may ask a question.

Senator McCARTHY. This is the first time that I have seen the resolution. It differs materially from the one suggested yesterday. I would like to ask Senator Dirksen if I am correct in this interpretation of it. No. 1, that McCarthy take the stand immediately, and be subjected, of course, to as much examination and cross-examination as any counsel or member of the committee wants, that if, during my testimony any of the principals feel that they can contradict what I am saying, that they have a right to call witnesses then in executive session; that their testimony be made public, No. 1.

No. 2, that this interruption of my testimony be confined to rebuttal and at the end of it and his staff complete their survey of the evidence, any additional witnesses they feel they must interview, and that we are giving them a time limit of 30 days, but that if they want to come in sooner than that, and I am very interested in this, if they can come in sooner than that and render a report. I assume this would not preclude them from coming in sooner, is that right?

Senator DIRKSEN. That is correct, and June 10 was adopted partly on the suggestion of counsel to make sure there would at least be ample time to complete the complete survey.

Senator McCARTHY. Let me ask just one other question, Mr. Dirksen. You refer to military installations. Let us see what is the exact language:

* * * matters not related to the pending controversy, with the understanding that no investigation of military installations or personnel shall be undertaken * * *.

I think that is open to interpretation and I would like to know now whether or not that would preclude the regular committee in going into defense plants where we have so many, roughly, I think, 130 Communists. It would not preclude us from that.

Senator DIRKSEN. Definitely not. The words “military installations” are used there for exactly what it means. It must be a military

installation as such, a fort, a cantonment, any base of any kind, and military personnel.

Incidentally, I have included that because on reflection it occurred to me that it wouldn't be quite the fair thing to develop an advantage on one side or the other by having an investigation of a matter that, while not directly related to this controversy, is in the same broad field and might be diversionary in character. I think very properly speaking it ought to be included here.

Senator McCARTHY. May I say, Senator Dirksen, if I might take 10 seconds, I felt I understood the resolution fully, but I wanted to have the explanation on the record in case it is adopted so there can be no question at some future time.

Senator DIRKSEN. I hope I made that clear.

Senator POTTER. Mr. Chairman.

Senator MUNDT. Senator Potter?

Senator POTTER. I would like to ask Senator Dirksen two questions. This motion that you have presented is a vehicle for the hearings from here on in. Do you anticipate that if this procedure is adopted all the pertinent facts in the controversy will be ascertained?

Senator DIRKSEN. I haven't the slightest doubt about it. I think that already there is so much testimony on the record with respect to the original charges and the countercharges that the rest of it certainly we can gather without too feebly immobilizing the committee for carrying on, for one thing, and at a spectacular plane, for another.

Senator POTTER. Also, all the pertinent facts will be made public?

Senator DIRKSEN. Very definitely so. Even the transcripts that might be taken in executive sessions would be made public immediately within the language of this resolution.

Senator MUNDT. The Chair was about to inquire of Senator Dirksen on that particular point. As I understand, this resolution provides that regardless of what testimony might be sought and secured in executive session, it would all be transmitted to the public much in the fashion that it was done in the MacArthur hearings, which as I recall, was that about every hourly period a full transcript was given to the press.

Senator DIRKSEN. That is correct.

Senator MUNDT. Do I further understand that this would not provide for the conclusion of these hearings, but would simply provide for the putting of McCarthy on the stand and getting his testimony and then during the interim period provide for the counsel to report to the committee members those facts which we have not secured from the executive testimony, at which time we would then determine whether further public hearings would be required or necessary?

Senator DIRKSEN. That is very explicit in the motion.

Senator SYMINGTON. Mr. Chairman.

Senator MUNDT. Senator Symington.

Senator SYMINGTON. Mr. Chairman, this is a long resolution and I suggest that before we have any decision on it we study it. It is my understanding that Mr. Stevens is not feeling well. It would be my suggestion that we find out, if we could, how much longer the testimony of Mr. Stevens is desired by Senator McCarthy and his staff, and that we proceed now to examine the witnesses and that

we take this matter up some time later, after we have had a chance to thoroughly study it.

Mr. COHN. I might say, if Mr. Stevens is not feeling well, I don't want to ask him any questions until he is feeling well.

Senator MUNDT. The Chair has tried several times to find out how many questions would be asked of the Secretary, without avail, and he has always gotten the same answer. I see no reason to pursue that.

I will say that Secretary Stevens has not told the Chairman he isn't feeling well and he looks perfectly fine and physically fit as far as the Chair can see from here.

Secretary STEVENS. The witness is feeling fine, Senator Mundt.

Senator MUNDT. I am delighted to hear that. At all events, I think Senator Symington may raise a valid point as far as the Chair is concerned. It is a long resolution. It is the first time he has had a chance to see it. He wants to know exactly what is in it and he wants everybody to know what is in it before he goes around and inquires of the various entities their reactions. If the Senator's proposal is that he feels it would be justice to defer that until 2:30, that is something which I say might merit the consideration of the committee, Senator Symington.

Senator McCLELLAN. Mr. Chairman, so far as I am concerned, I am ready to act, and I may say this—

Senator MUNDT. The Chair is ready to act.

Senator McCLELLAN. I simply want to hear what the parties to this controversy have to say about it. I understood the Chair to say yesterday, unless they agreed to this motion, he could not support it. I would like to have that information made available now for my own guidance.

Senator MUNDT. The Chair, if we decide to vote on this now—I was simply responding to Senator Symington's suggestion. He said he thought we should have more time to study it. If other members require more time to study it—

Senator McCLELLAN. I am not opposing it if anybody wants to take more time to study it, but as I study it I want to know what the attitude of the principals are with respect to it and whether they have agreed to it or now consent to it.

Senator MUNDT. The Chair will certainly ascertain that at the proper time, and the proper time would be now if we decide to vote on it now. If we decide that committee members should have more time to study it—

Senator SYMINGTON. I will vote on it now. I was opposed to it before and I am opposed to it today.

Senator McCLELLAN. Mr. Chairman, I ask for the information from the principals as a matter of guidance for me before I proceed further. I see no reason why they cannot be asked just at this time.

Senator MUNDT. Very well, if you think they have had enough time to study it, the Chair will propose—

Senator McCLELLAN. If they haven't, they can say they haven't. I just want to find out.

Senator MUNDT. Before he asks that question, let me ask each of the principals this question, because the Chair wants to say something in his own behalf as to his position on the vote on this matter since I have been referred to by my distinguished ranking colleague. I shall make

clear what will motivate my vote and I would like to do it in my own words. Before doing that and before asking them to express any opinion on the resolution, may I simply make this simple request of each of you: Whether you have had sufficient time in your opinion to read over the rather long resolution so that when I ask the question you will be prepared to make a reply or whether you would prefer to wait, say, until the 2:30 session to do that. I will inquire first on that point then of Senator McCarthy.

Senator McCARTHY. I would want to ask one further question of Senator Dirksen in regard to the interpretation of this language.

Senator MUNDT. Don't ask it now. I just want to find out what your thinking is.

Senator McCARTHY. I will be ready to answer immediately as soon as I have an interpretation of two words.

Senator MUNDT. Mr. Bryan, would you like to have an opportunity to discuss this with your client, and wait until 2:30, or would you say you are ready to make a decision?

Mr. BRYAN. Mr. Chairman, I have just seen this resolution in its altered form for the first time.

Senator MUNDT. I know that.

Mr. BRYAN. I have some pretty well crystalized views as to what my thinking is. But my client is not here, and I think at least my client should have the opportunity to see the resolution and for me to discuss it with him. That is not, Mr. Chairman, to be interpreted as any lack of decision on what my attitude will be.

Senator MUNDT. The Chair would seem to feel that is a perfectly legitimate position. He is not a lawyer, but if he were a lawyer for a client, he would think he would want to consult with his client on something as significant as this.

Mr. BRYAN. You express it perfectly.

Senator MUNDT. I see no reason for asking Mr. Welch this question, because since there is a party who wants to wait until 2:30, I see no reason to stampede them in this decision.

Senator SYMINGTON. Mr. Chairman, I think nobody yet has put their hands on Mr. Welch. I think he has the right to decide whether he is being forced to give his opinion or not.

Senator MUNDT. If you insist, then, I will ask Mr. Welch whether he feels that at this time he has had a chance to study this thing adequately so that he can answer the question that he knows the Chair will ultimately ask, or whether he would like more time to read it over.

Secretary STEVENS. May I make a statement on this point?

Senator MUNDT. Surely.

Secretary STEVENS. I made a statement yesterday afternoon that I thought that all the witnesses should come before this committee in public hearing and get the facts in this case before this committee. I have not changed that point of view. I have no agreement, Senator McClellan, with anybody. I still think we must get the facts out on this table through calling in public the witnesses who can be seen by the members of this committee and by those in this room, and by those on television, as they give the testimony, similarly to what I have done as I have sat here over the days. I do not want to be interpreted in making these remarks as in any way being an obstructionist. I have profound respect for the elective offices in this country and for

the committees of this Congress and for this committee. It goes without saying that whatever decision may be taken by this committee, the Army will abide by it. But insofar as the Army is concerned, at the present time we do not subscribe to the idea of putting witnesses into executive session.

Senator MUNDT. Each person having expressed himself and Mr. Bryan deciding he would like to consult with his client, the Chair suggests we vote on this at 2:30 this afternoon, at which time all parties will have had an opportunity to consult. And at which time the Chair will ask specifically the question which he has in mind, and which he has announced publicly he will vote, when it comes his time to vote. I assume, then, Mr. Counsel, that we can continue with the examination of the witnesses.

Senator SYMINGTON. Mr. Chairman, may I make a short statement at this time?

Senator MUNDT. Certainly.

Senator SYMINGTON. As I understand the resolution, just as a matter of common sense and fairness, not of law, I have just written it down as I read it, 2 of the 3 McCarthy principals have subjected 1 of the Army principals to vigorous and intense cross-examination over a period of some 14 days, 13 perhaps. On the basis of the proposal that is now suggested by my friend and distinguished colleague from Illinois, 1 of these 2 McCarthy principals would never have to answer in public hearing under oath a single question.

Mr. Chairman, I do not think that is fair or proper. And I want to say again that I am opposed to all executive hearings.

I believe the people have the right to form their opinions in open hearings.

Thank you.

Senator MUNDT. Are there any other committee members who would like to express themselves on the resolution before we proceed with the interrogation of Secretary Stevens?

Senator JACKSON. I just have this brief statement to make in connection with Senator Dirksen's motion, which in my opinion does not permit all of those accused to take the stand. I would like to quote from President Eisenhower's remarks made in this city November 23, 1953:

If we are going to continue to be proud that we are Americans, there must be no weakening of the codes by which we have lived, by the right to meet your accuser face to face.

I hope my colleagues will give serious thought to this very wise pronouncement by President Eisenhower.

That is all.

Senator MUNDT. Do any of my other colleagues have a statement?

Senator DIRKSEN. Mr. Chairman, I must make one observation. I have great respect for the President of the United States, and I can subscribe to that statement, and I think here, of course, accusers and accused have confronted each other. Secondly, it is for the committee to determine whether public hearings shall be reinstated at a later date and testimony taken from others relevant to the issue that is before us, so it can be expeditiously resolved. So there is nothing untoward in this proceeding it becomes the responsibility of a committee of the legislative branch of the Government to take this action. It is ours

and we cannot delegate it or alienate that responsibility from ourselves. I am glad to accept it and I am glad to meet it.

Senator JACKSON. Mr. Chairman, I merely wanted to observe that if this motion is adopted, charges that have been made against some of the principals in public will not be answered in public. It should obviously be answered in the same forum where the charges were made. And I may say, also, that a part of this case is not just the right of an individual to rebut, to answer testimony, but based on the record that is before this committee, which was the basis of this investigation, is the right of the principals to make charges as well as to answer them. This motion forecloses once and for all the right of principals who have not been heard and who will not be heard in public; it forecloses their right to even make those accusations even in executive session, let alone the denial in a public session.

Senator McCLELLAN. Mr. Chairman?

Senator MUNDT. Senator McClellan.

Senator McCLELLAN. Mr. Chairman, I will withhold my remarks until you get ready to act on the motion. At that time, I will have a suggestion to the committee.

Senator MUNDT. Since this seems to be the testimonial hour, we have some reluctance apparently to begin with the interrogation of the witness, the Chair would like to make a statement or two in connection with this colloquy.

In the first place, the Chair has been desirous from the start of trying to find some more appropriate manner by which to settle this unpleasant business than by doing it in this committee room, by this committee which has part of its personnel involved. For that reason, on numerous occasions I spoke out in public, on the radio and in press conferences, protesting against this procedure and I protested it by my voice and by my vote in the executive sessions when we decided to have this committee undertake the task. I hope that at some time my colleagues on the committee will see fit to vote that the notes and the minutes of that executive session which are securely locked up in the safe in my office, shall be made part of the public record.

Senator McCLELLAN. Mr. Chairman, I so move.

Senator SYMINGTON. I second the motion.

Senator MUNDT. Is there any opposition?

By unanimous approval, we will make public, then, as fast as the shorthand reporter can transcribe it, the notes of the opening session. It will help to get more of the facts on the record.

May the Chair continue by saying that he is tremendously impressed by the fact that a great many thoughtful Americans not motivated by partisanship, either from a Democrat or a Republican standpoint, are generally concerned by the fact that the Secretary of the Army and a large group of distinguished and able and important associates, and eight members of the United States Senate and a considerable portion of their staff, are tied up here day after day after day after day, trying to adjudicate this wordy and unwholesome situation. We find ourselves, it seems to me, in a world where the whole cause of freedom is being challenged by tremendous forces. It is tremendously hard for the Chair to believe that in that kind of world, with that kind of challenge, when the enemy has an atomic bomb, when there is danger that all of our structures of civilization can be shaken or shattered, it is terribly hard for the Chair to honestly

believe that this is the most important business to which the Secretary of War, the Secretary of the Army, and his associates, and these eight members of the Senate and their associates can devote themselves.

It seems to me, furthermore, that there should be enough give and take, there should be enough concern about this common danger and the effort to save in this age of survival our way of life, that we could find some more appropriate and speedier method for adjudicating this miserable business in which we find ourselves involved.

It seems to me we should find some more constructive purpose to which we can devote our time.

The Chair is very much impressed by the long and careful efforts made by Senator Dirksen in proposing his series of motions. The Chair has not supported any of them in the past because he has felt that it is his duty as one of the adjudicators to make sure that no formula for changing the rules, for shortening the hearings or terminating them or taking them off the air should be engaged in which any one of the three entities involved would say they considered to be un-American or unjust or unfair.

The Chair has not voted for such resolutions in the past. The Chair will not vote for such resolution in the future if there are entities among us who this afternoon will say they consider an honest effort to try to reduce the scope of this hearing to fall within the category of injustice or dishonesty or un-Americanism or unfairness.

Having said that, the Chair would like to say that in his opinion this is a pretty fair approach. I cannot agree at all with what Senator Jackson says when he says this denies the privilege of everybody to be heard because this keeps the status open, this provides something which I think this committee might well have had a long time ago, which would have been helpful in expediting the hearings, and that is an adequate opportunity to consult with counsel concerning the facts he has which we do not have, because he has had a chance to interview, he tells us, all of the principals and all of the witnesses.

I am persuaded a great deal by the fact that this provides that opportunity, provides us a chance to find out what has occurred in executive session, in executive testimony.

With those full facts before us, I think we can more intelligently decide whether more open hearings are desired or whether they are not.

Having said that, the Chair reaffirms his position, however. He feels that in this body of responsible men, everybody must be equally aware of the kind of world in which we live, the kind of challenges that confront us, the kind of duties that beg for our attention. But if there be those among us who this afternoon are going to say they consider this resolution to be unfair, that they consider this resolution to be unjust, that they think that it is more important to protract and continue these open hearings under the present system with the present rules, going on and on, then the Chair is going to vote to support that position because they have a right to insist on their concept of justice. But the Chair believes the responsibility for prolongation and the responsibility for protraction should be firmly fastened upon those who say they want that to occur rather than upon the members of this committee, who on both sides of the aisle have devoted a tremendous amount of time, first of all, to trying to find competent

counsel, which we secured, and then determining a rule of procedure which would be fair and equitable despite the fact that the wrong committee is trying to do the right job, despite the fact that we have been pushed to try to adjudicate a situation in which some of the personnel of this committee is involved.

Then we devoted long and careful attention to try to find a format for making the presentation of charges and countercharges. We have been going on continuously. Unless we make some change, we are going on continuously, and the Chair believes for many long, melancholy weeks in the future, during which time all of us in this room who have other responsibilities will have to deny themselves the right to measure up to those duties because of this responsibility.

The Chair has nothing further to add.

Senator McCLELLAN. Mr. Chairman, I would like to make just one observation:

I have repeated over and over how I regard these charges, how serious they are. May I say if the charges against Secretary Stevens and his staff are true, then the presence of Secretary Stevens and his staff here in this hearing room means that they are doing less harm to their country while they are here than they would be doing if they were in the Pentagon.

Senator SYMINGTON. Mr. Chairman?

Senator MUNDT. Senator Symington.

Senator SYMINGTON. Some days ago I presented that if, for the security of the country or for any other reason, we should get ahead with the regular business of this subcommittee, that the staff of the subcommittee interested in those problems could be transferred to another committee in order that the matters at hand, like Communists in defense plants, could be proceeded with. I still make that recommendation this morning.

I agree with my distinguished colleague from Arkansas, about the gravity of these charges. Very grave charges have been made against the Army, and very grave charges have been made against the chairman, the chief counsel, and the executive director of this committee. As I read this memorandum or resolution, despite those charges the resolution provides that this committee, before these charges have been adjudicated, should go right ahead.

That is all I have to say, Mr. Chairman.

Senator MUNDT. Just to keep the record straight, the Chair has never said that these charges are not important. They are important. The Chair does not believe they are as important as the threat from communism abroad or the threat of communism at home. The Chair does not believe that in this resolution is incorporated anything which would prevent this committee from endeavoring to adjudicate and report to the public the full set of facts, and the public has a right to have the full set of facts. The Chair is tremendously interested in putting those representatives of the Army who are here and these representatives of the Senate who are here back on the job of survival and protecting this country. The Chair wants it clearly understood that if these hearings are protracted, he will be here, and he believes we should meet morning and afternoon and nights and Saturdays from now on if we are going to continue them, if they are that im-

portant. He will be here, but he will be here with tears in his eyes, because he believes there are other duties to which everybody involved in this controversy should be devoting himself. I hope and I pray that during the noon hour men will search their souls and their consciences to determine whether there is not something more important than trying to protract these things in public as we have been, and still without doing violence to justice, find some other way to adjudicate the controversy.

The Chair says now, so that all parties will know, if you say to me at 2:30 you think this is unfair to take off television and off the air and change the rules, the chairman is going to vote to provide for those who insist upon it that which they consider to be equity and justice and fairness in the form of procedure.

Senator SYMINGTON. Mr. Chairman.

Senator MUNDT. Senator Potter is recognized. I am sorry.

Senator SYMINGTON. I beg your pardon.

Senator POTTER. Mr. Chairman, I think in all of this discussion we have missed the main point. We are trying to ascertain facts as a result of charges made on the part of personnel in the Army and countercharges made on the part of Senator McCarthy and members of his staff. We never promised that we were going to run in competition with Milton Berle. We only promised that we would ascertain the facts and let the public know the facts. What concerns me is the belief that public opinion in this country is not favorable to this type of public brawl. They want to know the facts, but they are not interested in having the dignity of the United States Senate, the dignity of the administration, being lowered with each day of this hearing. Our prestige abroad has greatly suffered as a result of these hearings. I think we must take into consideration any vehicle to ascertain the facts, and do it as quickly as possible, so that the prestige of this great Nation of ours will not unduly suffer as a result of this public display of personality clashes between the legislative branch of our Government and the executive branch of our Government.

I sincerely hope that we can devise a vehicle which will ascertain all the facts and do it quickly, so that we can get on with the more important business of our Government and so that our prestige at home and abroad will again have the place in the sunlight which it deserves.

Senator MUNDT. Senator Symington, you addressed the Chair?

Senator SYMINGTON. I wanted to just set the record straight. If in any way—I don't think I did—but if in any way I implied that you did not think these charges on both sides were grave, I most humbly apologize for that implication, because I never thought it and I did not mean to say it.

Senator MUNDT. I am sure you didn't say it and I am sure you didn't imply it, but I wasn't sure but what the television audience didn't imply it or infer it from what you said.

I think they are serious. But I do not think they are the most serious business confronting the United States today. While I think that every person in this room who is involved in the controversy should have and must have a full chance to maintain his reputation and defense, that more important than individuals and more important

than reputations is the future of America, and we have some pretty serious business to be done. We are at the crossroads now and will determine this afternoon whether we are going to find a way to shorten these hearings which the parties to the dispute will consider fair and equitable, or whether we set our teeth into this thing for another 2 months, perhaps, and perhaps longer, while the interminably long list of witnesses is called up and discussed in public, and at the conclusion we make a report, as we would make it under any of the proposals before us, whether it be the McClellan or the Dirksen motion, or if we want to continue on ad infinitum.

I think we are now ready to interview the witness.

Senator McCARTHY. Mr. Chairman?

Senator MUNDT. Senator McCarthy.

Senator McCARTHY. I hesitate taking any time at all after we spent about 2 hours talking about how we are going to rush this thing through. But I would like to make my position crystal clear. As far as I am concerned, as the Chair knows, I did not initiate this. It was initiated by Mr. Stevens and Mr. Adams.

As far as I am concerned, I will lean over backwards to do anything humanly possible to try and close up this circus so we can get back to the work of digging Communists out of Government, graft, corruption, and fraud. That is the work of the committee.

The only reason why I am not passing upon Senator Dirksen's motion this morning is that I would, during the noon hour, like to get the interpretation of some of the language in it so we won't have a long drawn out hassel about this at some future date, period.

Senator MUNDT. It is 12:25, if the Chair's watch is correct. I don't know if we should start for 5 minutes. Senator Jackson suggests we go around for one round of questions.

We will certainly go around until 12:30. Mr. Jenkins?

Mr. JENKINS. Mr. Chairman, I have no questions to ask the Secretary.

Mr. WELCH. Mr. Chairman?

Senator MUNDT. The Chair will pass. Mr. Welch?

Mr. WELCH. I would like to make a remark about the Secretary, if I may, and about his physical condition.

Senator MUNDT. I think under the latitude which we have extended ourselves, this morning, sir, you should have that right.

Mr. WELCH. Thank you.

At the conclusion of the hearings yesterday, the Secretary went to his home, to me a very unusual thing. In the course of the evening I called Mrs. Stevens and I learned that he had had a shot of penicillin yesterday because of a virus infection. He had concealed that from me in what I considered to be typical fashion. It was given to him by an Army doctor.

I asked her if he had a personal physician and she said, "No, but I have." I said, "Would you have your personal physician look at the Secretary this evening?" That was done and the same physician looked at him again this morning. That physician reported that the Senator could go on.

Senator JACKSON. The Secretary.

Mr. WELCH. That the Secretary could go on. I have learned in the course of the morning that the Secretary has today had a second shot of penicillin. He attempted to conceal that from me. He wants to say "I am feeling fine. I can go on for 30 days, if need be." But I, while I somewhat admire him, I am not totally convinced that he feels as fine as he would like to have you believe.

It seems to me that it would be a gracious act for the committee to say now that we will suspend with the Secretary at least until he is through his penicillin shots, and that we would take up the testimony of some other principal. Observe, if you will, the word principal.

I do not think we ought to go off into collateral witnesses, if the Secretary is excused at this moment, but there are other principals ready whose interrogation could begin.

Senator McCARTHY. Mr. Chairman, may I say that this is one of the few times that I agree with Mr. Welch. If the Secretary has been having penicillin shots, if he has a virus infection, he should not be on this witness stand. I think I should make it clear for the record, however, that when we talk about 13 days, that that is rather a deceptive figure. Take, for example, we will give him credit for being on the stand a half-day today. It was taken up by speeches on how we can cut this short. But I do say that if the Secretary has been receiving treatment for any ailment, such as a virus, I know what it is like, I think it would be completely unfair to him, unfair to the committee, to have him testify. So far as I am concerned, I would have no objection at all to his stepping down now until such time that he feels that he would like to return to the stand.

Senator MUNDT. It seems to me, Senator Jackson, with that explanation, which you didn't have when you suggested that we continue now—

Senator JACKSON. And which I didn't know about, of course. I acted on the Secretary's statement that he was feeling well.

Senator MUNDT. And the further fact that it is virtually 12:30; the Chair would like to suggest this, that it would not be necessary, in order to get answers to the questions that the Chair is going to ask before we pass on this resolution, and Senator McClellan agrees that I should ask, it would not be necessary for the Secretary to be here at 2:30 unless he wants to be for that purpose. I think Mr. Welch can confer with him through the noon hour. Let me implore this, now, and then we are going to adjourn, that let me implore Mr. Hensel, Senator McCarthy, Secretary Stevens, Mr. Welch, and Mr. Bryan who speaks for Mr. Hensel, that all of you will go to your respective shops during the lunch hour and hold yourself carefully in readiness to consult if you want to with Senator Dirksen or our counsel. If there are some modifications in this that would enable you to then say it is fair and just, I hope you will make them, or if you feel it is fair and just now, I hope you will say so. The Chair does not believe that there is much to be gained after 2:30 this afternoon, again trying to change the rules of procedures if we set ourselves to this grim business from now until the Fourth of July or whenever it is completed. Counsel will be available, Senator Dirksen will be available, and they are the two that sit on the committee. If you have any suggested changes or

reports, at 2:30, we will take this up, and, Mr. Stevens, you will not be called as a witness this afternoon. You can authorize Mr. Welch to speak for you.

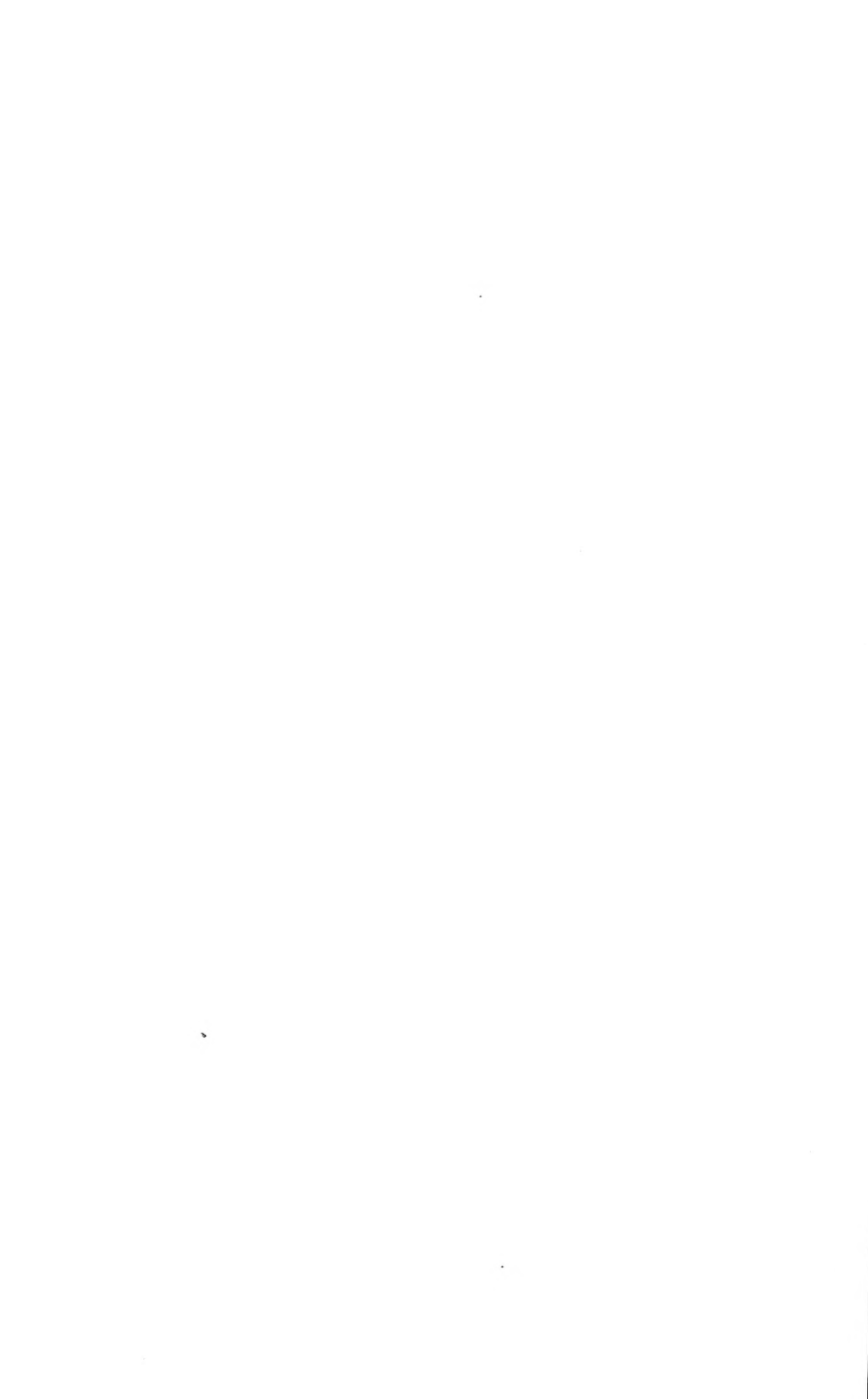
Senator McCARTHY. Mr. Chairman, may I suggest also that when we meet this afternoon that we find out how the various parties feel about this, that we vote on it and that we not waste day after day after day by long-winded campaign speeches.

Senator MUNDT. The Chair certainly believes we can vote this afternoon. He is not going to undertake to deny Senators the right to be heard. However, we will meet at 2:30 this afternoon.

(Whereupon, at 12:30 p. m., the hearing recessed, to reconvene at 2:30 the same day.)

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**SPECIAL SENATE INVESTIGATION ON CHARGES
AND COUNTERCHARGES INVOLVING: SECRETARY OF THE ARMY ROBERT T. STEVENS, JOHN G. ADAMS, H. STRUVE HENSEL AND SENATOR JOE McCARTHY, ROY M. COHN, AND FRANCIS P. CARR**

HEARING
BEFORE THE
SPECIAL SUBCOMMITTEE ON
INVESTIGATIONS OF THE COMMITTEE ON
GOVERNMENT OPERATIONS
UNITED STATES SENATE
EIGHTY-THIRD CONGRESS
SECOND SESSION
PURSUANT TO
S. Res. 189

PART 27

MAY 11, 1954

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COUNTERCHARGES INVOLVING: SECRETARY OF THE
ARMY ROBERT T. STEVENS, JOHN G. ADAMS, H. STRUVE
HENSEL AND SENATOR JOE McCARTHY, ROY M. COHN,
AND FRANCIS P. CARR

TUESDAY, MAY 11, 1954

UNITED STATES SENATE,
SPECIAL SUBCOMMITTEE ON INVESTIGATIONS OF THE
COMMITTEE ON GOVERNMENT OPERATIONS,
Washington, D. C.

AFTER RECESS

(The committee reconvened at 2:50 p. m., pursuant to recess.)

Present: Senator Karl E. Mundt, Republican, South Dakota, chairman; Senator Everett McKinley Dirksen, Republican, Illinois; Senator Charles E. Potter, Republican, Michigan; Senator Henry C. Dworshak, Republican, Idaho; Senator John L. McClellan, Democrat, Arkansas; Senator Henry M. Jackson, Democrat, Washington; and Senator Stuart Symington, Democrat, Missouri.

Also present: Ray H. Jenkins, chief counsel to the subcommittee; Thomas R. Prewitt, assistant counsel; and Ruth Y. Watt, chief clerk.

Also present: Senator Joseph R. McCarthy, a United States Senator from the State of Wisconsin; Roy M. Cohn, chief counsel to the subcommittee; Francis P. Carr, executive director of the subcommittee; Hon. Robert T. Stevens, Secretary of the Army; John G. Adams, Counselor to the Army; Joseph N. Welch, special counsel for the Army; James D. St. Clair, special counsel for the Army; and Frederick P. Bryan, counsel to H. Struve Hensel, Assistant Secretary of Defense.

Senator MUNDT. The committee will come to order.

As is his custom, the Chair will start by welcoming the guests who have come to our committee room, and reminding them that they are here as the guests of the committee and, consequently, must comply with one standing rule that the committee has asked the Chair to enforce. That is, there are to be no audible manifestations of approval or disapproval from any member of the audience at any time or in any way. The officers in the room have been instructed by the Chair and by the committee to politely escort from the room, without any further orders, anybody who violates the conditions under which you enter this chamber as our guests. You know what they are. No audible manifestations of approval or disapproval at any time in any way.

The committee will come to order, and under the arrangements under which we recessed, the Chair was to recognize Senator Dirksen to discuss his motion or to propose his motion, if he has made any changes in it during the course of the luncheon hour.

Senator DIRKSEN. Mr. Chairman, two minor modifications have been made in the motion as it was presented this morning. The first one, of course, is the elimination of the words "for rebuttal" in line 6 or 7, in line 6 of the resolution submitted this morning; and there has been inserted after the word "forthwith" the words "and a full and complete transcript of such" and then "testimony."

Those are the only two modifications made in the resolution.

Senator McCLELLAN. What are the insertions, "forthwith" with what?

Senator DIRKSEN. In line 6, the words "for rebuttal" have been taken out so the language will read "requested by any principal may be called in executive session forthwith," and then afterward, after "forthwith," the words inserted "and a full and complete transcript of." So it reads: "and a full and complete transcript of such testimony be made public immediately."

Mr. Chairman, there is little that I need to say with respect to this motion other than what I observed this morning, with the exception of one thing. I think some question arose as to whether or not the continuity of testimony might be disturbed by a meeting in executive session. I had no such thought in mind, because if, for instance, this resolution were adopted and Senator McCarthy took the stand, certainly it would not mean that the continuity of his testimony be disturbed throughout the day. This contemplates, of course, that any executive session that may be held would be held at the end of the day so as not to intrude upon the testimony of the witness.

I think I ought to make that clear.

Senator MUNDT. I think all of the members of the committee discussed this motion pretty fulsomely this morning, but certainly the Chair has no disposition to deny to any Senator the right to comment on it further if he cares to before he goes around the table to discuss with the various entities involved in this controversy whether they consider it is in the interest of fairness and equity or whether they protest against it as being something which they consider the committee may have devised which is unfair or unjust.

Senator McCLELLAN. Mr. Chairman.

Senator MUNDT. Senator McClellan?

Senator McCLELLAN. Do you intend to ask the principals the question you have said you would ask them?

Senator MUNDT. I do, sir, the principals or their counsel.

Senator McCLELLAN. I would like to have their answer before I comment on it.

Senator MUNDT. Very well. The Chair has said publicly and wants to reiterate now in his own words that while he feels individually and personally that Senator Dirksen has evolved a formula for shortening these hearings which persuades the Chair to consider it in the interest of expedition and in the public interest because it does not close the hearings, it reserves to the Chair and to the committee acting together the right to reopen them at any time and in any way, and it does put in balance the testimony up to the time that we switch into a different

procedure because it provides that Senator McCarthy must testify under oath before any change is made in the program. The Chair has held if there are entities here who through their counsel feel that this would be something unjust or unfair, the Chair would not vote for such a procedure. He wants this committee to continue to command the respect of the participants in the controversy, and the public, and he thinks he can do that only if whatever arrangement is finally made, whether it seems to be satisfactory or unsatisfactory for others, is considered by the people involved to be in the interest of fairness.

With that background he wants to go around the table, starting first with Senator McCarthy, and ask him whether in his opinion if we adopt this resolution and if the Chair votes for it, he feels that he has confidence enough in what is set out in that resolution and in the committee and the way it will be interpreted so that he would not protest against it on the basis of its being unfair or unjust.

Senator McCARTHY. Mr. Chairman?

Senator MUNDT. Senator McCarthy.

Senator McCARTHY. May I make a request of the Chair? I have agreed to so many succeeding proposed agreements to cut down the length of the hearing and get back to our work, and I find that the very able counsel, Mr. Welch, for reasons which I am sure he considers completely valid—and I am sure he has been completely honest in this—has disagreed. Before I start agreeing to my 29th agreement, I would like to know whether or not it is acceptable to Mr. Welch. Otherwise, we are just wasting our time.

Senator MUNDT. The Chair proposes to go around the triangle in the same order that he has been going around this path for some time now. He would appreciate it if the Senator from Wisconsin would, on his own individual responsibility, say insofar as he is concerned whether he would consider this as unfair or unjust because, as he knows, and as the Chair has expressed himself, if either Mr. Hensel or Mr. Welch says it is unfair or unjust, regardless of what the Senator says, then the Chair will not vote in favor of such a resolution.

Senator McCARTHY. I will be glad to do that, Mr. Chairman. I am speaking not only for myself but for the two young men on my staff who have been implicated in this matter. They have told me I could speak for them. Let me say that I heartily approve of that portion of the resolution which provides that I must take the stand under oath and be subject to complete and full cross-examination. I think anything less than that would leave the public disturbed, not satisfied. I am somewhat disturbed about those portions which provide for executive session testimony. May I say the reason for that has nothing to do with my confidence in the committee. I think that we have had better press coverage of this hearing, more accurate coverage, let's put it that way, than any other hearing I have been in. I believe one of the reasons for that has been the influence of television, because when millions of people see what is going on, they pick up their paper, they don't quite like what some of the left-wingers say—I would like to say this is no reflection upon the vast number of working press, men who visit my office every day, who are completely honest, completely competent. I am referring to some of the bleeding heart columnists. Television has kept them straightened out a bit. For that reason I approved of this all being on television. However, if

the committee thinks that this will shorten the hearings so that we can get back to the work which we should be doing, I would say that I will be more than happy to rely upon the judgment of the vote of the committee and will make no objection. That goes for Mr. Carr—right, Frank?

Mr. CARR. That is right.

Senator McCARTHY. Does it go for you, Roy? It goes for Mr. Carr, Mr. Cohn and myself, period.

Senator MUNDT. Mr. Bryan, over the lunch hour you have had opportunity, I presume, to consult with your client. I would like to direct the same question to you. Now that you have had an opportunity to read this resolution, I would like to inquire of you whether, on the basis of the resolution as it is presented to you, and your knowledge of the committee and its counsel, whether you would have confidence that this procedure could operate without doing injury to your client from the standpoint of being unfair or unjust.

Mr. BRYAN. Mr. Chairman, I have had an opportunity to confer with my client, and, as I anticipated, my client's views just are entirely the same as mine were when the resolution was presented this morning. You will recall that I asked for an opportunity to confer with him only for the reason that he hadn't seen the resolution. I was quite confident as to what his views would be. Mr. Hensel's position is unchanged. Certain unsupported charges have been made against him in the answer filed by Senator McCarthy to the so-called Army charges which were presented to this committee. These charges have been categorically denied by Mr. Hensel. No proof has been offered in support of these charges. As a matter of fact, the testimony thus far, in my judgment, contradicts them. We know the facts and we know that these charges cannot be supported. As I pointed out yesterday, there is thus far not the slightest evidence in this record to support them. Having made the charges, it is up to a man who makes charges to prove them. In this country at least, thank God, a person is not yet required to undertake the burden of proving his innocence of unsupported charges made against him without proof. I say to this committee, Mr. Chairman, and to the members of this committee, that there is and can be no proof in support of these charges, and at the appropriate time I will move before this committee to dismiss the charges as to Mr. Hensel on the merit for complete failure of proof, and I confidently expect this committee will grant such a motion. The charges will then stand as unproven. I, therefore, see no reason for Mr. Hensel, under present circumstances, or foreseeable circumstances, to oppose this resolution. We are consequently willing to go along with it. However, I wish to make it very plain that if there is any evidence put into this record designed to implicate Mr. Hensel, I reserve the right to refute such evidence by the testimony of Mr. Hensel himself and such other witnesses as we may deem necessary to call. Under such circumstances, I will insist that Mr. Hensel be heard just as anyone who bears witness against him has been heard by this committee.

Senator MUNDT. Let me be precisely sure, now, that the Chair understands your reply. It is my responsibility inasmuch as my vote is actually being sort of cast by proxy, either by Senator McCarthy or by you or by Mr. Welch, in the interest of fairness and justice. Does the Chair take it from that, as he thinks he does, that you raise

no protest at this time to this proposed proceeding on the basis of it being unfair or unjust?

MR. BRYAN. You specifically asked me, Mr. Chairman, whether in my view the resolution violates any principles of fairness, justice or equity as far as my clients is concerned.

Senator MUNDT. That is correct, sir.

MR. BRYAN. I reply to you, as far as my client is concerned, with the reservations I made and that I think are quite plain, I do not consider that the resolution is objectionable from that point of view.

Senator MUNDT. Thank you, sir.

Now Mr. Welch, may I repeat what I have said as best I can to each of the other two members of the counsel. The Chair would like to know, because he has stated publicly how his vote will be determined on this issue, whether or not in your opinion, after having read the proposed Dirksen resolution as modified, you would feel and your client would feel that you have confidence enough in the procedures set forth and in this committee in its capacity to interpret this, so that you would not protest against this procedure on the basis of its being unfair or unjust to your client.

MR. WELCH. Mr. Chairman, this is not an easy moment for me. I came down from Boston in the guise of a simple trial lawyer. I supposed I would try to dig up some questions to ask witnesses and then if I didn't like the answer, ask another one.

Instead of getting a chance to do that sort of thing, I listened to these remarks here of the future of our country, and how grave all this is, and then somebody says to Mr. Welch, "Won't you make some kind of a decision?" When we get to that moment, I kind of wish I were back in Boston, just as I suspect Mr. Jenkins kind of wishes at times he were back in Tennessee.

Now I have in my family a virus and some penicillin and so forth, and I have temporarily lost contact with my client. When I had contact with him, he said to me that some three and a half lines near the bottom of this resolution could come out, and those I will read:

* * * with the understanding that no investigation of military installations or personnel shall be undertaken until the subcommittee has concluded the pending investigation.

Mr. Stevens asked me to say that he had no desire to insist on those words, and that he was always in favor of any investigation properly conducted of the military so that he would do without those words.

Now as to the resolution, except for that, Mr. Stevens took the position this morning that he would abide, as I recall his statement, by any decision this committee made, but that he felt that a full and fair hearing in the open was required.

I cannot recede from that position without an opportunity to consult with him, which I think I should have. His position was clear, and I did not come back expecting to find a new resolution. I will say one thing, that Senator McCarthy and I are the very closest to an understanding between each of them that we have ever been, because he said that he was somewhat disturbed by the portion of this ruling calling for executive hearings and I am equally disturbed. It does seem to me, Mr. Chairman, that as to the five principals it would be far better to have their statements heard in public as was the case with Mr. Stevens.

You will recall that to some extent Mr. Adams has been on the stand so that the committee could see him, and I must say two members of what I should call the opposition have been on the stand shortly.

But, Senator McCarthy, I do share your uneasiness about that portion calling for executive hearings. My own feeling would be that the country, this committee, would be happier if we dealt with the five principals plus such subsidiary witnesses as are naturally called to check their principal testimony in open hearing and then that we could have all kinds of flocks of affidavits as to how many passes Mr. Schine had, under what circumstances or things of that sort. Therefore, my position is as follows, Mr. Chairman:

Without consultation with my client and what you might call an order from him to agree to this proposed resolution, I can only say that there is no change that I am aware of, as I sit here, from his position this morning.

Senator MUNDT. May the Chair say that he heard the Secretary's statement this morning. He noted in his statement that there was no mention of whether the Secretary considered this to be an unfair or unjust procedure. He noted the Secretary did express approval and a preference for hearing all of the witnesses in open session. The Chair has not quite had an answer from you, sir, as to whether you, on behalf of your client, under all the circumstances and after having studied the resolution, whether you want to interpose an objection to this on the basis that you or your client would consider this to be an unfair or an unjust procedure.

Mr. WELCH. Mr. Chairman, with all humility, sir, because of your very brave statement of how you will vote depending upon the answer to that, I think I ought not to answer that without consultation with my client.

Senator MUNDT. I think that is appropriate.

May I inquire whether your client is where he can be reached by telephone so you could confer with him now? We would like to vote this resolution either up or down, and get on with the business, if possible. We have taken a long time in discussing it.

I was very much in hopes you could be in consultation with your client during the noon hour.

Mr. WELCH. We were, but you see, a new and somewhat changed resolution has come up. I believe I could reach him by telephone if you would like me to.

Senator MUNDT. I would surely very much appreciate it, because if you are going to cast my proxy, both you and I want it to be cast intelligently.

There is a private telephone right here, sir.

Mr. WELCH. Mr. Chairman—

Senator MUNDT. How to get there?

Mr. WELCH. For one thing, how do I get there, and I would just as soon go to some other telephone. [Laughter.]

Senator MUNDT. Surely. We will be in recess while you do. (Brief recess.)

Senator MUNDT. The committee will come back to order, please.

Mr. Welch has returned to the committee room. The Chair, as always, will be happy to hear Mr. Welch.

Mr. WELCH. Mr. Chairman, due to the wonderful invention of television, the Secretary was able to follow what had happened.

Senator MUNDT. That is the best compliment TV has had yet. Wonderful.

Mr. WELCH. He was therefore ready to talk. He said that there did not seem to him to be sufficient change in the resolution from this morning to alter the statement that he then made. I suppose that is all you need to hear from him. We talked at some greater length, but that is the substance, the important substance of what he had to say.

Senator MUNDT. Of course, Mr. Welch, you leave the Chair very much in doubt with that type of statement, because he listened very carefully to what the Secretary had to say this morning, and from the standpoint of its relevancy there is one factor that weighs most heavily in the mind of the Chairman, and that is, regardless of whether any entities to this dispute feel that these suggestions will expedite the hearings, move them more quickly, move them more satisfactorily, the Chair is interested primarily and I might say basically as to whether or not any parties to this dispute feel that making this effort and this attempt will in their opinion do violence to them from the standpoint of equity and justice. I am sure that you must have discussed this with the Secretary, and the Chair very much hopes that you will give him an answer on which he can base his vote.

Mr. WELCH. Mr. Chairman, I did not need to be clairvoyant to be able to say to the Secretary, "You know what the Chair is going to ask me." He said, "Yes, I do." I said, "Well, what is your answer to that?" I think I quote him accurately when I say he said, "Well, primarily it is up to the committee to decide what is fair and just and equitable, but I don't myself think it is fair and just and equitable that I should be stuck on the stand for 14 days and that one or two of the parties on the other side, and perhaps one on my side, Mr. Adams, should never be there at all."

So I dealt with it, Mr. Mundt, and that is what he said.

Senator POTTER. Mr. Chairman.

Senator MUNDT. Senator Potter?

Senator POTTER. Let's plow that long, hard furrow.

Senator MUNDT. It is still a little hard for the Chair to get a specific answer to a specific question, which he would like very much to have, because he proposes to try to cast a specific vote.

Senator JACKSON. May I ask—

Senator MUNDT. May I ask you, then, Mr. Welch, speaking on the basis of your consultation with the Secretary, and speaking as his counsel, whether you would at this time enter a protest against this procedure on the basis that you feel it would be unfair and unjust?

Mr. WELCH. Mr. Chairman, I am not so sure it is fair or just to Welch to say that to him. I reported what my client's position is, sir. I would rather not add anything to that. It seems to me that what he said was quite clear. If this committee in its wisdom decides to run these hearings this way, you will see a kind of feeble grin from Mr. Welch and a smile from the Secretary when he is better and back. We will accept any decision that is made, gracefully. But I do not propose to sit at this microphone and use any form of words which could later be interpreted as my having made a deal about this decision.

Senator MCCARTHY. Mr. Chairman.

Senator MUNDT. May the Chair finish this, please.

Since the Chair's vote is involved in this he feels he has a right to interrogate the witness and try to find out exactly how his proposed proxy is interpreting the question which he asks. It is a little difficult, sir, for the Chair to be sure as to what the Secretary has in mind if you who talked with him are not sure what he had in mind. So you can tell me whether you are now saying, either on your own representation or his, that you believe if the Chair were to vote for this proposal, you would consider it to be an unfair or an unjust practice.

Mr. WELCH. Mr. Chairman, I will tell you what I will say, and that is I have another dime in my pocket if you want me to go put it in the phone again.

Senator MUNDT. I wish you would do that, sir, because I would like to have an answer to my question so I can vote as I told the American people I would. Will you please call again and we will give you another 10 minutes.

Senator McCARTHY. Mr. Chairman. Mr. Chairman.

Senator MUNDT. We stand in recess.

Senator McCARTHY. For my information can I ask this question: I wonder if I was misinformed over the noon hour. I stayed in my office and got a sizable number of calls from Senators who were honestly trying to cut this short. I was informed that the changes that were made in the resolution presented this morning, with the exception of one, were made on the request of Mr. Welch. Mr. Welch now comes back and says this is a new resolution as far as he is concerned.

Senator MUNDT. You are asking questions which the Chair certainly cannot answer because this is not his motion. He is trying to determine how to vote on a motion. He has made a commitment, perhaps an unwise one, but he has said that if any of the entities to this dispute are going to state that they considered this, what the Chair considers reasonable effort to bring this to a more expeditious conclusion, if they say it is unfair or unjust, the Chair will not vote for such a proposal.

Senator McCARTHY. Mr. Chairman.

Senator MUNDT. Since we are in recess and have asked Mr. Welch to leave, I feel we should not discuss it publicly while he is away.

Senator McCARTHY. Could I have the Chair's attention until Mr. Welch returns. I think this is very important. I am led to believe certain things occurred during the noon hour. I was led to believe—I reluctantly agreed to Mr. Welch's suggestions. I would like to know whether or not they were his suggestions and if they were, why this stage play. I would like to have the Chair's attention when Mr. Welch returns.

Senator MUNDT. The committee will come to order. Mr. Welch has returned to the committee room and the Chair will be very pleased to hear from him at this time.

Mr. WELCH. Mr. Chairman, what the Secretary said is in two parts: A. he does not wish to accept from the Chairman a proxy to cast your vote. He thinks, Mr. Chairman, that that is outside his province. Secondly, as to fairness, he says, "I continue in my view that the proposed resolution would not result in fairness."

Senator MUNDT. He says he thinks it would not result in fairness?

Mr. WELCH. Would not.

Senator MUNDT. The Chair is certainly then prepared to vote. Is there other discussion?

Senator McCARTHY. Mr. Chairman?

Senator MUNDT. Are we ready for the vote?

Senator McCLELLAN. Mr. Chairman?

Senator MUNDT. Senator McClellan.

Senator McCLELLAN. Senator McCarthy was addressing the Chair first, and I do not wish to interrupt him.

Senator McCARTHY. If the Chair is ready for a vote, I will be glad to defer this, but I am completely——

Senator MUNDT. Suppose you wait until after we have voted if it isn't on this particular point, because we will then resume the committee business.

Senator McCARTHY. This might be enlightening to the committee, however.

Senator MUNDT. If it is on this point the Chair has secured for himself the information he needs, but other committee members might require some more. The Chair would be glad to hear it.

Senator McCARTHY. Let me ask this: I think the Chair and counsel know what I am about to discuss. Would you prefer I wait until after the vote? If so, I will be glad to.

Senator MUNDT. Senator McClellan.

Senator McCLELLAN. Mr. Chairman, I have previously announced that I would, and I do now, oppose the resolution or motion submitted by the Senator from Illinois. It may be, Mr. Chairman, that the die is cast and that this motion is destined to pass. I do not know. But before voting on it, each of us has to take the responsibility for interpreting it, and trying to understand how it will operate and what its consequences will be. I have undertaken to do that. May I say this, Mr. Chairman: I believe I have proper and due deference for all and to all of the parties to this controversy, but I may say that their opinion of what is fair and unfair did not have to be invoked or brought into play by me, to place my interpretation on this resolution, its effect, and its consequences. I took into account, Mr. Chairman, what I conceive to be the other party in interest to this controversy, the American people, and the welfare of our Government. I have undertaken to interpret it, and I give you my interpretation of it. No. 1, it is not a formula for expediting these hearings; it is a formula for stopping, for suppressing, public hearings which this committee unanimously voted at the time the hearings were ordered. No. 2, it denies to the principals, Mr. Adams, Mr. Cohn, Mr. Carr, and Mr. Hensel, the opportunity to defend under oath in public the serious charges that have been made against them, and denies them the opportunity to face their accusers in public, or to sustain the grave and serious charges they have made against each other by giving public testimony under oath to support and to sustain those charges.

Mr. Chairman, this is not just a right, just a right of the parties to this controversy, of the principals, but it is their solemn obligation and duty to do it, a duty that if they undertake to shirk it, the full power, insofar as this committee has it, should be exercised to compel them to do it.

Third, this resolution in effect proposes that this committee undertake to resolve those grave issues on the report of counsel's interviews

of witnesses, including principals to this controversy. As an alternative to that, or in addition to that, that we proceed in executive hearings.

Mr. Chairman, there is not one indication that if this job is to be done and be done thoroughly and completely that executive hearings will shorten the proceedings. There is not the slightest indication of it. So what is the purpose of it? Whether the author of it so intended or not, and I certainly charge no bad faith, the results and consequences will be to carry on this investigation out of view of the public that is interested, away from the press who is entitled to be present, and some one has referred to television, out of the view of television.

I am not so concerned about television. What is the objection? I did not invite them here, but what is the objection? We are performing a public duty, a public trust, I may say, one of the most unpleasant and one of the most disagreeable ones I have ever had to perform in the course of my public service.

Mr. President, I cannot vote for it. If it is adopted, if this resolution is adopted, in my opinion it will be a flagrant travesty on American standards of justice and equity, committed by this committee in the name and to the discredit of the United States Senate.

Mr. President, Mr. Chairman, in the interest of expediting these hearings to a fair and just and equitable conclusion, I therefore offer as a substitute the following motion: That after each of the principals to this controversy has testified in chief, and if I may comment there, Mr. President, that is, to have the opportunity to present their case before they are cross-examined, that each member of the subcommittee have 1 hour, six 10-minute periods each, for the interrogation of the witness, and that each principal side or their attorney, have 4 hours each for interrogating said principal witness. The counsel for the committee shall continue to question such witnesses under existing rules. And when all such time has expired, the witness shall be excused.

That is the motion, Mr. Chairman, that I offer as a substitute. And may I say this, that it will fix a time limit. It is quite a long time, I know. I am not trying to deny anyone full opportunity to get the facts out on the table, to let the truth be known. And if anyone would seriously insist that this time limit is too short, I would consider amending it or modifying it to make the time longer.

Senator McCARTHY. Will the Senator yield?

Senator McCLELLAN. But may I say this, Mr. Chairman, as to the time reserved to me for 1 hour for each witness, at six 10-minute periods, I intend to continue in most instances to pass, to save that much time. But this, if we are interested, Mr. Chairman, in bringing this hearing to a final conclusion at some time, this just applies to the principals, we can bring it to a conclusion with every one of the principals treated fairly and equitable, and we can perform our duty consistently with the standards of procedure and justice that are customarily followed, traditionally followed, in American jurisprudence.

Senator MUNDT. Would the Senator consider the request of the Chair that he do not offer his amendment as a substitute, but permit a vote to be held on the Dirksen amendment, which it seems to me has

a right to be heard on its own merits, and then offer his as a separate resolution immediately thereafter, assuming the Dirksen amendment fails?

Senator McCLELLAN. Mr. Chairman.

Senator MUNDT. This suggestion is in the interest of giving each motion a chance to be heard on its own merits.

Senator McCLELLAN. If I am assured—I don't know what the outcome of the Dirksen amendment vote will be. If it should be adopted, then I could not offer this motion. I only offer it now as a substitute so that the committee can take its choice between the two. If it rejects mine, then, of course, there would be no vote on the Dirksen resolution. Vice versa, if it adopts the Dirksen resolution, I could get no vote on this substitute.

If there is any way to vote on the two, I am ready.

Senator MUNDT. The Chair recognizes, of course, the right of the Senator to offer his amendment as a substitute, but having in mind the effort we went to to determine the attitude of all the entities on the particular proposition before us, the Chair felt it might be better to have a vote on each on its own merits rather than having diffusion of the issue involved. Certainly if the Senator insists on offering it as a substitute—

Senator McCLELLAN. May I ask this, Mr. Chairman. I am not trying to obstruct or to insist upon any particular technicalities.

Senator MUNDT. The Chair understands perfectly.

Senator McCLELLAN. I just do not want to be foreclosed from a vote by this committee on this proposal. If the Chair will seek and get unanimous consent that the Dirksen resolution be voted on first, and then, irrespective of the outcome of that vote, that this resolution then will be the next order of business and be voted on, then I have no objection to following the Chair's suggestion.

Senator MUNDT. The Chair will undertake to solicit such unanimity if he can. May we have unanimous consent on behalf of the subcommittee that, regardless of the vote on the Dirksen amendment, we will then vote on the McClellan proposal?

Senator DIRKSEN. I object.

Senator MUNDT. You object.

Senator SYMINGTON. Mr. Chairman.

Senator MUNDT. Senator Symington.

Senator SYMINGTON. I believe that Senator McClellan, in case the Dirksen amendment wins, has the right to have his amendment voted on, and therefore if the Dirksen amendment wins, I will move that the matter be taken up by the full committee.

Senator MUNDT. The Chair awaits now a second to the McClellan substitute.

Senator JACKSON. I second the motion.

Senator MUNDT. It is seconded by Senator Jackson. I would assume that we would want to go around and inquire of the various entities involved, Senator McClellan—

Senator DIRKSEN. Are you about to vote, Mr. Chairman?

Senator MUNDT. This would be on the McClellan substitute.

Senator McCLELLAN. I didn't offer this to please any of the principals to this controversy. I offered it as a motion to the committee. It is now pending. If any member of the committee wishes to discuss it, I have no objection, and if any member of the principals suggests

that the time is not adequate, I would be glad to hear on that. If they want more time, I am not trying to cut off anybody's time. I am trying to limit the time with the idea of expediting the hearings, and in the hope that by so doing we may eliminate a lot of irrelevancy and immateriality, and possibly succeed in having the questions confined to the issues.

Senator DIRKSEN. Mr. Chairman.

Senator MUNDT. Senator Dirksen?

Senator DIRKSEN. I have only one comment to make on the substitute. As I understand it, I would regard it as a breach of our understanding with Senator McCarthy at the time he was telephoned in Dallas to see whether or not he subscribed to the rules that were adopted.

Senator MUNDT. The Chair has only one comment, and that is that while it is an effort and might conceivably save a little time, I think it might work in the other direction. As the Chair has rapidly calculated the time under the McClellan amendment, it would provide for about 4 days of cross-examination for each witness. He would hope that after 1 or 2 or 3 of the major witnesses have been heard, we could certainly dispose of witnesses more rapidly than that.

The Chair would have to say, because he believes the Dirksen amendment has a right to be heard on its own merits, if it is voted for as a substitute, the Chair would have to vote in the negative, quite regardless of the consideration of the merits of the McClellan proposal.

Anybody else?

Senator McCLELLAN. I am ready.

Senator MCCARTHY. Mr. Chairman, does the Senator propose that the time he suggests be limited to questioning? How about the speeches? I have been here the last 2 or 3 days rather ill listening to all these—

Senator McCLELLAN. The Senator can control that as much as anybody else.

Senator MCCARTHY. Let me finish, please. I think we owe a little courtesy here. I didn't interrupt you.

I am asking a civil question. We spend about 90 percent of our time now on speeches. I am asking you this question. Your resolution provides a certain length of time for each individual. Would their speeches be subtracted from that time or will we still have an hour or two of speeches every morning and every afternoon?

Senator McCLELLAN. Mr. Chairman.

Senator MUNDT. Senator McClellan.

Senator McCLELLAN. I have observed since these proceedings started that when a point of order was raised, speeches were made, and that time was not taken out of him who had the floor for questioning witnesses. Certainly the remarks of the committee, anything pertaining to procedure at the start of hearings or any time during the course of hearings, whether regarded as speeches with respect to procedure or any other remarks that members of the committee may make with respect to the proceedings, at a time when they are not occupying their time to question witnesses—that time would not be charged against any of the participants to this controversy.

Senator MCCARTHY. Mr. McClellan, will you yield?

Senator McCLELLAN. I will be glad to.

Senator McCARTHY. This question is being asked in all seriousness. You are making a suggestion here of certain limitations. If you would amend your motion to provide that anyone who makes a speech about shortening the hearings would lose that much time from his period of questioning, I would say that your motion would have some more merit. I believe we can never end these if we are going to spend half of each day making speeches.

Senator McCLELLAN. Well, Mr. Chairman, I may say to the Senator again I will submit my record against his with reference to speeches. I have no intention of making speeches except on some motion or point of order merely to explain my position. I think I have pretty well adhered to that.

A while ago when I offered this substitute motion I think I directed my remarks to it in stating my reasons why I felt it should be adopted and the reasons why the original motion to which this is a substitute should not be adopted.

Senator McCARTHY. This is just a question for my information, Senator. I don't know yet whether or not, if each Senator has an hour, that any speech he makes is subtracted from that hour. It is a simple question. I am not arguing. I am just asking the question so I will know what your motion is. In other words, you follow me—if Senator X has an hour to question, we will say, a witness over here and if X uses 50 minutes in making a speech, does he still have an hour to question or does he have only 10 minutes?

Senator McCLELLAN. Mr. Chairman, in answer to that question I would say that if any Senator during his period of questioning gets out of order, or any participant, any of the principals or his attorney, or any other member of this committee can raise a point of order and that time that it occupies to resolve the point of order will not be taken out of anyone's time.

If he is making a speech, if no one objects he is consuming his time or getting a little nearer the end, but if he is making a speech and an improper one, the Senator from Wisconsin can promptly object and get a ruling from the Chair.

Senator MUNDT. Are you ready for the vote on the substitute?

Mr. WELCH. Mr. Chairman?

Senator MUNDT. Mr. Welch, do you want to be heard?

Mr. WELCH. I would like to be. I think I have very little right to be heard, but I would like to be.

Senator MUNDT. You may be heard.

Mr. WELCH. Mr. Chairman, I have seldom tried a lawsuit in which my cross-examination of a witness or a party could be concluded in one day's time. We are talking about just that here. I do not deny that this is not the biggest lawsuit in which I have ever been engaged, because I guess it is, and I stand a little in awe of promising a competent cross-examination of anybody in 4 hours. But, Senator McClellan, I would so much rather have 4 open public hours than to have 40 in closed session, that I think I would trade the 4 for the 40. I would lose this much practically. Mr. Stevens must have been examined for something like 40 hours. I would get 36 less hours on the other principals. But that is down the drain and I am not going to kick. Four hours seems a little short to me, sir, but, as I say, I would take it rather than a whole lot of hours behind closed doors.

Senator McCARTHY. Mr. Chairman?

Senator MUNDT. Are you ready to vote on the substitute?

Senator McCARTHY. I will wait until after the vote.

Senator MUNDT. The vote is on the substitute offered by Senator Jackson—by Senator McClellan, seconded by Senator Jackson, and the Chair will call the roll. Senator McClellan?

Senator McCLELLAN. Aye.

Senator MUNDT. Senator Dirksen?

Senator DIRKSEN. No.

Senator MUNDT. Senator Jackson?

Senator JACKSON. No.

Senator MUNDT. Senator Potter?

Senator POTTER. No.

Senator MUNDT. Senator Symington?

Senator SYMINGTON. Aye.

Senator MUNDT. Senator Dworshak?

Senator DWORSHAK. No.

Senator MUNDT. The chairman votes "no."

The motion is lost. The vote now occurs on the Dirksen proposal as originally made and the Chair will call the roll.

Senator DIRKSEN. Mr. Chairman, before you vote on it—

Senator MUNDT. Senator Dirksen.

Senator DIRKSEN. I just take this position, Mr. Chairman. This has been an honest endeavor, I think to put an end to the derisive effect of this hearing upon the American people.

Every Senator must assume his own responsibility. I have done it in the House and Senate for 20 years or more, and I intend to do it now. It is a case of measuring little equities against big ones. But when you measure the impact of these hearings upon Army morale, upon the morale of our people, I think the whole weight is in behalf of this resolution. Every endeavor was made to safeguard all parties in interest here and give every one a fair share. I fully intend to support it.

Senator MUNDT. The Chair would like to say just this, because he proposes to vote no on the resolution. He wants to say that he does so with a firm conviction that the Senator from Illinois did present a very fair and carefully thought-out proposal. But because the Chair has felt that all parties to this dispute must certainly be sufficiently well satisfied so that they would not protest publicly against a program as being unfair or unjust, since one of the entities, as he had a right to do, has protested against the procedure as being unfair, the Chair will vote no, but he wants the Senator from Illinois to realize it is not because he doesn't feel he has made a very constructive and a very worthwhile and a very honest effort. Senator Potter?

Senator POTTER. Mr. Chairman, it is my interpretation of Senator Dirksen's motion that Senator McCarthy will take the stand, will subject himself to examination and cross-examination as did Secretary Stevens. So on that score certainly it is equal. That the other principals on both the side of the Army and the side of Senator McCarthy, will be treated in like manner, that testimony will be taken in executive session, and the transcription will be given to the public on the hour, I believe, or at least given out so that the people of the country will have all the facts. If it is deemed desirable and wise by the committee to have other principals in public session, that can

be done by a vote of the committee. The same is true with parties on either side. Our purpose in this entire investigation has been to ascertain the true facts. That, Mr. Chairman, is what I, as one member of the committee, want to do in this hearing. But by the same token I am conscious also of the fact that the display of this hearing by all the media that we have here, does have a great effect on the dignity and decorum of the Congress of the United States. It has a great effect upon the respect that the people have for our executive branch of the Government.

If my mail is any indication, I can say to you, Mr. Chairman, that the people are sick and tired of this public display, of the constant repetition.

The facts can, I am convinced, be ascertained, which is our sole job, by the motion offered by Senator Dirksen. I would vote against this motion if I felt there was one iota of truth in the statements that the evidence will be put under the rug, or that there would be a whitewash of any kind. I can assure you that after Senator McCarthy has been on the stand, and if other witnesses have evidence that will throw additional light upon this controversy, I, as one member of the committee, would vote to have them appear in public session, if necessary, to bring out all the facts. But, Mr. Chairman, we have a grave obligation to the American people, and looking at it overall, our prestige in the world is being affected by these hearings going on in the caucus room in the Senate Office Building. The prestige of our American form of Government is being lowered by these hearings going on in this caucus room. I fully appreciate that any person who has had charges made against him should have ample opportunity to refute those charges.

I say, Mr. Chairman, that this vehicle here, though it may not be perfect, is certainly better than the continuation of this hearing week after week, month after month. Mr. Chairman, I am ready to vote.

Senator MUNDT. Are you ready for the vote on the Dirksen proposal?

Senator McCARTHY. Mr. Chairman?

Senator MUNDT. Senator McCarthy.

Senator McCARTHY. Mr. Chairman, I would like to be heard on this. As the Chair knows, some days ago Mr. Welch made a suggestion. I reluctantly accepted that. During the noon hour, and if I am wrong on this I wish the Chair would tell me, I was contacted, I was by the phone and I was contacted at least a half dozen times with the request that I accept the changes that Mr. Welch suggested in this document. I reluctantly accepted them. I think I made it clear that I felt that while I did not favor his changes, if these were his conditions for cutting down the hearings, I would reluctantly accept. I was urged to accept by members of the committee. I was shocked, and I have seen a great number of different types of lawyers in my career as a judge and as a lawyer, I was shocked beyond words when I found Mr. Welch came in here and made the statement that this resolution was new to him, after he had been making suggestions during the noon hour, and after he had approved, apparently approved, the document.

Now, Mr. Chairman, I am not going to say he was acting in bad faith. That is up to the Senators who work with him to decide that. I would like to make a suggestion, Mr. Chairman. All before noon,

we spent our time discussing the question of how we could shorten the hearings. We never asked a single question of a witness. It is now 4:10 in the afternoon, so at most, even if the vote is taken immediately, we have 20 minutes left today to ask questions. I would suggest that you just cannot deal in any manner, shape or form with a Welch who consistently makes offers and then comes in here and puts on this act before television. I think, Mr. Chairman, that when this vote is taken, Mr. Welch should be put on the stand, he should be asked why he made the original suggestion and then "welched" on that; why he made the suggestions for the changes which I was urged to accept and I reluctantly did, and why, after I accepted those changes, he came before this committee and told this committee that this was a new document to him, that he knew nothing about it.

Mr. Chairman, may I say that I think it is a complete waste of time, from now on, to try to do anything except to go right straight through this, hear all the witnesses, unless the motion of the Senator from Illinois is accepted. I think it is a waste of time to do any attempted dealing with Mr. Welch. The purpose of Mr. Stevens and Mr. Adams is now clear. They succeeded in calling the investigation of Communists off by making their smear attack upon my staff and upon me. It is now clear that Mr. Welch, the attorney for Mr. Stevens and Mr. Adams, is not acting in what I would call good faith when he keeps me at the phone for 2 hours, and I finally accept, accept what he thinks is a proper document and he comes in here and says, "I never saw it before."

Mr. Chairman. I urge that after this motion is acted upon that we have no more dealings, no more conversations, about how we can close the hearings. Let's hear all the witnesses, hear all of them in public, and I will ask that Mr. Welch be called. And, also, Mr. Chairman, I would like to make this request, and you perhaps may not be able to do this today, but, Mr. Chairman, in view of the fact that this committee is acting only in the hearings about 4 hours a day, in view of the fact that we have an investigation that we have been working on for 6 or 8 months which the statute of limitations on criminal prosecutions is about to run out on, in view of the fact that as of this very moment, at 4:10, on May 11, 1954, there are roughly 100 and some 30 Communists in defense plants, I am going to ask the chair to call a meeting of the committee, and I will ask the permission then that we revoke the rule we originally made. We originally passed a rule that there be no hearings while this was in progress. I am sure that all of us who voted on that, and I voted for it, felt that we could dispose of these hearings in a matter of a week. Now, we realize that with the filibustering, procrastination, it may take months.

Mr. Chairman. I think it is urgent that I have the permission of the committee. I am not asking for it here, but I would like to have an executive session, and receive the permission of the committee to hold hearings every evening, every Saturday, not on the military, but on Communists in defense plants which have nothing to do with the military. I ask the Chair to call that executive session at his earliest convenience so that even while this circus is going on we may be able to defeat the purpose of Mr. Welch, Mr. Adams, and Mr. Stevens, and proceed to dig out Communists even during this circus. I think that is of the utmost importance, period.

Senator MURK. Are you ready to vote?

Mr. WELCH. Mr. Chairman.

Senator MUNDT. Mr. Welch?

Mr. WELCH. I think I am entitled to be heard at least to this extent—

Senator MUNDT. I think so, sir.

Mr. WELCH. Unless my ears deceived me, the Senator from Wisconsin said I was on the telephone with him for something like an hour at adjournment. The Senator from Wisconsin knows I did not talk to him at adjournment or at any other time. I did not talk to Mr. Cohn. I did not talk to Mr. Jenkins. I need not say I did not talk to any Senator sitting on that side of the table.

Senator McCARTHY. May I ask Mr. Welch this, with the Chair's permission. May I ask Mr. Welch this: Certain changes were made in this document. Were those changes made at your suggestion to anyone else?

Mr. WELCH. They were not.

Senator McCARTHY. You mean you knew nothing about these?

Mr. WELCH. They were not. I did not even hear of any of those changes until I came to this room. If you would like to know what I did, I ate some lunch and I lay down on a good, long couch in my room with my head on my arm and rested.

Senator MUNDT. The Chair believes we should proceed with the vote.

Senator McCARTHY. No, no, Mr. Chairman. Here is a very important point. Mr. Chairman, may I have the Chair's attention?

Senator MUNDT. The Chair has recognized Mr. Jenkins. The Chair has recognized the committee counsel, Mr. Jenkins.

Senator McCARTHY. I have not concluded.

Mr. JENKINS. Do I have the floor, Mr. Chairman?

This colloquy between the Senator—the statements made are wholly out of order. Mr. Chairman, it seems to me that we should now proceed to take a vote on the resolution or on the motion, and then act accordingly and proceed with the presentation of the proof, which I assure the Chair and the committee I am ready to do.

Senator MUNDT. The Chair is prepared to call the roll.

Senator McCARTHY. Mr. Chairman.

Senator MUNDT. The Chair will state in response to the Senator from Wisconsin—

Senator McCARTHY. Mr. Chairman.

Senator MUNDT. The Chair is about to answer the Senator's request. The Chair has consistently held that whenever any of the members of the subcommittee or counsel for any individual requests that a meeting of the subcommittee be called to consider matters that they want to bring before us, he will call that meeting and he will call the meeting the Senator has requested, and listen to his suggestion at that time.

Senator McCARTHY. Mr. Chairman.

Senator MUNDT. I would like to have the vote.

Senator McCARTHY. I have a very important point here, Mr. Chairman. I have made the statement that I have received telephone calls, that I stood by my phone this noon, and I was led to believe—I am not going to name the Senators or who did it—let me finish this, Mr. Chairman. I insist on finishing my sentence.

Senator MUNDT. One at a time.

Senator McCARTHY. I insist on finishing, Mr. Chairman. May I finish this, Mr. Chairman?

Senator MUNDT. Proceed.

Senator McCARTHY. I have made the statement that over 2 hours this noon I was being called repeatedly by Senators and others who led me to believe that these changes were suggested by Mr. Welch; that he wanted, for example, the word "rebuttal" removed; that he wanted other words inserted. And if Mr. Welch was lying on his couch asleep, I am not going to ask that the Senator take the stand, but I do think it should be made very clear by the Chair, who knows about the conversation—I am not saying the Chair himself made the calls—I think it should be made very clear that I had no indication that this was not coming directly from Mr. Welch, and I think that should be cleared up, because I spent a lot of time accepting what I thought were Welch's proposals.

As I say, I don't want anyone to take the stand and give me details about it, but I think in fairness to me those calls that were made should be summarized by someone so it is very clear that I was led to believe that I was accepting an offer by Mr. Welch.

I think that is reasonable, Mr. Chairman. I think it is very reasonable.

Senator MUNDT. The Chair cannot go into all the colloquies that all the Senators and all the people interested in this discussion had during the lunch hour. You will have to take Mr. Welch's word for it that he was asleep on his couch.

The Chair will say that Senator McCarthy advised him that he felt that this proposal would be acceptable to him and that the Chair had been led to believe by those in consultation with him that it was acceptable to others. Apparently we know now that it was not.

Senator McCARTHY. Mr. Chairman.

Mr. WELCH. May I correct the record in one respect, Mr. Chairman. I did not say I was asleep on my couch. I was not that lucky. But I was reclining on it.

Senator MUNDT. Very good, sir. We stand corrected.

The Chair will now rule that the time has come to vote on this motion which is before the committee, unless some other voting member wants to be heard.

Senator McCARTHY. A point of personal privilege, Mr. Chairman.

Senator MUNDT. Senator McCarthy.

Senator McCARTHY. I think in decency and honesty it should be made clear that representatives of this committee did lead me to believe in at least half a dozen phone calls that someone from the military—Mr. Welch is the man they indicated—was making these suggestions and that that is why I accepted them. Unless that is made clear, Mr. Chairman, the impression will go out that there is no basis for this. I think it is just common decency, Mr. Chairman. I wish you would talk to your counsel. If it was Mr. St. Clair and not Mr. Welch, we should know that. Either somebody was deceiving the committee or someone on the committee was being overly zealous in urging me what to do.

Mr. Chairman, may I finish? I think this is awfully important. It is a question of my veracity at stake.

Senator MUNDT. The Chair—

Senator McCARTHY. Just a minute, Mr. Chairman. Is it too much to ask that the Chair consult with his colleagues and then either confirm or deny the fact that I was standing by my phone for 2 hours and received repeated calls and was led to believe that these suggested changes were made at the suggestion of Mr. Welch? I think that is a reasonable request, Mr. Chairman.

Senator MUNDT. The Chair does not believe anybody's veracity is at stake. I think Mr. Welch adequately explained that at the beginning when he said he did not have an opportunity to consult with his client during the lunch hour. We recessed the committee twice this afternoon so he could consult with his client on the proposed changes and advised the committee that his client felt that they would be unfair to his interests if we were to adopt them.

Senator McCARTHY. One further question, Mr. Chairman. Will the Chair ask Mr. St. Clair whether he was the man? I would like to know who it was who made these suggested changes.

Senator MUNDT. I don't think it is the purpose or the part of the Chair to interrogate counsel for any of the entities to this dispute. We have tried diligently all around the table to try to find some workable formula for expediting the hearings which all entities would say they considered fair. I will say that Senator McCarthy did agree openly and publicly and privately to accept it. So did Mr. Hensel, speaking through Mr. Bryan, exercising his right. Mr. Welch advised the Chair that his client had told him on the second phone call that he thought the proceeding would be unfair and that is what the Chair was trying to determine from the very beginning.

I suggest now that we have a vote on Senator—

Senator McCLELLAN. Mr. Chairman.

Senator McCARTHY. Mr. Chairman.

Senator MUNDT. Senator McClellan.

Senator McCLELLAN. First a point of personal privilege. When Senator McCarthy refers to "some Senators" I have no way of knowing definitely whether I am included. I wish to say for myself that I had no conversation with either Senator McCarthy or Mr. Welch during the noon hour. I trust the Senator will make clear, if we are trying to clear this up, that he did not include me when he said "some Senators."

Senator McCARTHY. Will Senator McClellan yield?

Senator McCLELLAN. In all fairness I think you should do that.

Senator McCARTHY. May I make it very clear, Senator McClellan, that neither you nor Senator Jackson nor Senator Symington has ever indicated at any time that they wanted to cut these hearings short, to me or in my hearing. You have had no contact with me for that purpose. You have had no contact with me this noon, no contact other than here at the committee table today.

Senator McCLELLAN. I thank the Senator. I was simply trying to clear it up. I don't think you should leave it "some Senators."

Senator MUNDT. Are we ready for the vote?

Senator McCARTHY. Mr. Chairman, a point of personal privilege.

Senator MUNDT. State your point of personal privilege.

Senator McCARTHY. The Chair knows, not from his own personal conversations with me—the Chair knows the urging that I was under at noon to accept these changes. The Chair knows that it was repre-

sented to me that they were Mr. Welch's. I wish the Chair would make that clear for the record.

Senator MUNDT. He has tried to make it as clear as he can from the paucity of information which is his that the Chair himself asked Senator McCarthy whether he felt that these proposals would be acceptable to him. He was the only one the Chair contacted. He did not contact Mr. Welch. He did not contact Mr. Hensel or Mr. Bryan.

I can say only that, because I know no more about it, except that I do say that Senator McCarthy was acting in good faith when he was led to believe that perhaps there had come about a meeting of minds. Unhappily, that meeting of minds has not been brought about. It seems to me that now we should proceed with the vote. Maybe there has been a meeting of the minds. We will have to have a vote to determine that.

Senator McCARTHY. Just one question, Mr. Chairman.

Senator MUNDT. You may ask it.

Senator McCARTHY. If I may ask the Chair this question: I assume there is no doubt in the Chair's mind but what I was led to believe that Mr. Welch had made these suggested changes?

Senator MUNDT. I am not sure that it would be fair to say Mr. Welch was involved. I think that it was brought to the Senator's attention that this resolution had gone through a series of evolutions, and that its author felt and hoped, as did some of the other members of the committee, that it was in such a form that those involved would think it was a fair and honest and just approach.

Senator McCARTHY. As a final question, Mr. Chairman, after the session is over, I wonder if the Chair would do this for me: I wonder if he would give me the names of those representing Mr. Stevens or Mr. Adams who suggested these changes. I think I am entitled to that. I was led to believe it was Mr. Welch. If that is untrue, I should know who they were. I am not asking for that on the record, Mr. Chairman, but I do think I am entitled to that information, because when I am dealing with my fellow Senators, I have complete confidence and trust in them; I still have.

If there is a misunderstanding, if it wasn't Mr. Welch who was making the suggestion, I would like to know who it was. If the Chair would do that after the session is over—period.

Senator MUNDT. The Chair is not much of an investigator; he is not much of a judge. He will see what he can do to determine it.

We will now have the rollcall vote on the Dirksen amendment. Senator McClellan?

Senator McCLELLAN. No.

Senator MUNDT. Senator Dirksen?

Senator DIRKSEN. Aye.

Senator MUNDT. Senator Jackson?

Senator JACKSON. No.

Senator MUNDT. Senator Potter?

Senator POTTER. Aye.

Senator MUNDT. Senator Symington?

Senator SYMINGTON. No.

Senator MUNDT. Senator Dworshak?

Senator DWORSHAK. Aye.

Senator MUNDT. The Chair votes no. The motion fails.

Senator DWORSHAK. Mr. Chairman?

Senator MUNDT. Senator Dworshak. I think I should recognize him first because he has said nothing so far.

Senator DWORSHAK. Prior to the reference by Senator McCarthy a few minutes ago, to the possibility of night sessions, I have made some notations to remind me to offer a motion which I do at this time, that we proceed to hold evening sessions from 7:30 to 9:30 p. m., on each day that any sessions are held by this subcommittee.

Senator McCLELLAN. I second the motion, Mr. Chairman.

Senator MUNDT. It is moved and seconded that every day that we hold sessions we also hold night sessions from 7:30 to 9:30. May the Chair inquire whether he includes today in that resolution?

Senator DWORSHAK. Yes; I certainly do.

Senator MUNDT. May the Chair state that not knowing about that possibility, the chairman of one of the appropriations subcommittees of which several members at this table are members had scheduled a 7:30 evening session of the subcommittee on appropriations especially to accommodate our committee members.

Senator DWORSHAK. That has been postponed until Thursday evening.

Senator MUNDT. Very well. Then the Chair would interpret if the motion prevails we would meet again at 7:30 this evening. Does anybody want to be heard on the motion?

Mr. WELCH. Could I be heard?

Senator MUNDT. You may be heard.

Mr. WELCH. I don't think the first part will do me much good. I look with horror upon sessions of that length, but as I said I will do it if I have to. But I do want to make this suggestion: If you have three session a day, and this applies to all people, that is too long for any single witness, and I think you ought to take one witness in the morning, a different witness in the afternoon, and a third witness at night. Certainly you ought not to take a single witness, particularly in cross-examination, for that long a period. I urge that with all my power. I have seen enough about lawsuits to know that that is pretty tough on the witness, and I would like to add that I am sure we all get tired and angry and difficult, and we will be in more squabbles in the evening than you could shake a stick at. But, as I say, I will go along if I have to.

Senator MUNDT. The Chair can only say that as he interprets that motion, that is not included in the motion.

Do you want to discuss the motion?

Senator DIRKSEN. Mr. Chairman, if the vote is put, I shall vote no. I have some other responsibilities as a Senator. I get up early, I stay up late, I put in 18 hours a day, and I intend to pursue some of my other duties notwithstanding this hearing.

Senator MUNDT. Any other discussion on the motion which has been made by the Senator from Idaho?

Senator JACKSON. In view of the fact—as I understand it, Mr. Chairman, there are some hearings before the Senate Appropriations Committee. Wouldn't it be better to take this matter up in executive session tomorrow and make a determination at that time? I am ready to vote, if it is the wish of the committee, but I merely make that suggestion. I am ready to vote in favor of it, but I think the matter probably should be deferred until tomorrow morning so that

the committee can go over and then have it voted upon at the beginning of public session in the morning.

Senator MUNDT. Are you offering that in the nature of a substitute, Senator Jackson?

Senator JACKSON. I am offering that as a suggestion to my distinguished friend from Idaho, if he will accept it.

Senator DWORSHAK. Mr. Chairman, I have no objection to deferring the actual vote on this, but I merely wanted to serve notice that we have been in session 14 days and have accomplished virtually nothing insofar as ascertaining any of the real facts in connection with this controversy. And I think that the time has now arrived when this subcommittee must decide whether it is engaged essentially and primarily in putting on a TV show for the American people or whether we recognize our responsibility to expedite these hearings and to do everything within our power to get the facts and then to reach a conclusion so that we can devote our time to other important duties.

Senator MUNDT. May the Chair inquire whether, if he calls an executive session tomorrow morning at 9:30 to discuss that, and go into other matters that are before the committee, if that will be suitable to the Senator from Idaho, so that he can renew his suggestion at that time and perhaps work out a more orderly schedule for hearings than we could do on the spur of the moment here.

Senator DWORSHAK. That is satisfactory.

Senator MUNDT. You withdraw your motion temporarily?

Senator DWORSHAK. I will, temporarily.

Senator MUNDT. The Chair will announce that in room 357 tomorrow morning, at 9:30, there will be an executive session of the committee.

We stand in recess until 10:30 tomorrow morning.

(Whereupon, at 4:30 p. m., the committee was recessed, to reconvene at 10:30 a. m., Wednesday, May 12, 1954.)

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